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16

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING MINUTES**

*Francis Faulkner Hearing Room*  
*October 15, 2012*  
*7:00 PM*

Present: Ms. Pam Harting-Barrat, Ms. Janet Adachi, Mr. Michael Gowing, Mr. John Sonner, Mr. David Clough, Town Manager Steve Ledoux and Lili Early, Recording Secretary.

Ms. Harting-Barrat called the meeting to order at 7:00 p.m. and asked if there were any citizens' concerns.

**CITIZENS' CONCERNS**

Mr. Tom Michelman and Mr. Charlie Abraham asked if the volunteer efforts by Mr. Abraham to perform some brush clean-up and tree clearing of the East Acton Village Green, adjacent to the Bruce Freeman Rail trail right-of-way would be placed on the agenda for the next BoS meeting on October 29, 2012. Mr. Abraham has worked and met with Town officials about his ideas.

Ms. Lauren Rosenzweig Morton informed the Board members that United Way Outreach will be holding an event on January 9, 2013 from 7 p.m. to 9 p.m. at the High School. The MBA basketball player, Christopher Herren will be speaking about his own experience with alcohol and substance abuse. He has been sober since 2008. Everyone in the community is welcome. Parents, young adults and professional health professionals may profit from it.

Ms. Pamela Harting-Barrat mentioned that the Oktoberfest was very successful. More people attended than last year and she hopes that it will continue in the years to come.

**PUBLIC HEARINGS AND APPOINTMENTS**

**CHAIRMAN'S UPDATE/OPERATIONAL MINUTE**

Mr. Steve Ledoux announced the following updates:

Mr. John Murray retired after 24 years of service.

Mr. Dickie Waite has been appointed Highway Superintendent.

Kevin Lyons retired; Robert Hart will be the Acton Deputy Chief, Scott Morse will be the Acting Fire Captain, and Kristopher Ellicks will be the Acting Fire Lieutenant.

Mr. Ledoux attended the International City Managers Association (ICMA) conference in Phoenix, AZ where he received his 35-year service award. The Town of Kennebunkport showed a video called "Point of No Return" about teen alcohol abuse, which he will try to acquire for the Town of Acton to raise \$10,000 for the schools.

All the Town departments will spend Wednesday and Thursday "On the Hill" for budget planning and to determine their priorities.

## FINAL

### **NATIONAL GRID – GAS MAIN, 366 POPE ROAD AT PINE RIDGE**

Ms. Barbara Kelleher requested the consent from the Board of Selectmen to install approx. 40 ft. of 2" gas main on Pope Road from the existing 4" main at 366 Pope Road northerly to the private way.

Mr. Seward, an abutter, asked why the line could not go along the side of the street instead of across, given that the road has been paved only 3 years ago. He would like National Grid to consider this.

An email arrived late this afternoon from another abutter that the Engineering dept. hasn't seen yet. The Town Manager mentioned that the Engineering dept. and the gas company have to meet to discuss.

Mr. John Sonner asked if we can approve this project conditional on the outcome of the engineer's review. Mr. Steve Ledoux responded that this can be done.

Mr. John Sonner made a motion to proceed with the project pending during the discussion on the motion, and depending on the agreement of the Engineering department. Mr. Gowing seconded the motion.

Mr. Dave Clough said that the Board needs to decide what the right location is. Both, Ms. Harting-Barrat and Ms. Adachi noted that they cannot make a decision because they are not engineers. Mr. Mike Gowing considered that a straight line is the lowest cost for NSTAR to install. He continued that this is not only the Town's concern; it needs to be in the best interest for all parties involved. A continuation of the gas line would make more sense.

Mr. Steve Ledoux responded that Corey York, the Town engineer, recommends the higher cost option.

Mr. John Sonner withdrew his original motion and made a motion to conditionally approve the project considering that the Town Manager and the utility company make the routing decision. Mr. Mike Gowing seconded the motion. UNANIMOUS VOTE IN FAVOR.

### **NSTAR POLE LOCATION, FORREST ROAD**

No representative from NSTAR was present.

Ms. Pamela Harting-Barrat made a motion to continue this project at the 10/29/2012 BoS meeting at 7:15 p.m. The motion was seconded by John Sonner. UNANIMOUS VOTE IN FAVOR.

### **NSTAR POLE LOCATION, HAYWARD ROAD**

Mr. JD Head, Director of the school facilities and transportation, asked the Board to authorize the Town Manager to approve moving the pole location.

Mr. Dave Wilson, representing the Friends of the Lower Fields, said that the project came to a halt due to pole location. The Town moved their pole in 1970. There was also confusion as to who had to authorize this project, The Town Manager or NSTAR.

The Board of Selectmen legally is required to hold a public hearing, a Petition has to be generated from NSTAR with a state approved form, the abutters need to be notified and it needs to be published in the newspaper. The Town Manager agreed in principle, but a public hearing still has to be held.

## FINAL

Ms. Janet Adachi moved that the Board of Selectmen agrees in principle to the proposed moving of the pole, contingent on all parties making sure that the state approved form has been submitted, the abutters have been notified and the public hearing notice has been published in the newspaper. Mr. Mike Gowing seconded the motion. UNANIMOUS VOTE IN FAVOR.

### LEAGUE OF WOMEN VOTERS – POLLING COMMENTS

Ms. Eva Szkaradek, Town Clerk, explained that the Board approved on July 9, 2012 to change the polling station from Nagog Road (too small) to Conant school. She suggested moving all polling stations to one location, namely the A/B High School because it would be a more efficient use of police and staff. The Town Manager and the School Committee are still discussing the subject.

Ms. Marilyn Petersen and Ms. Ann Chang, members of the Acton League of Women Voters, asked the Board for permission to further research the benefits and downsides of having a single location, which they explained in their presentation. They proposed that the Board give permission to form a study committee with diverse presentation from the COD, the COA, the Police dept., the Town Clerk, two schools and two LWV members; a total of 14 people.

Ms. Ann Kadlec, Election Warden, explained why the Town should have a single voting location. She has all the data available to prove that it works. She is concerned that a committee would tell the Town what to do.

Mr. John Sonner wanted to get a sense on the timeframe of the study. Ms. Peterson responded that it would take 3 to 4 months. The Town Manager and the Superintendent were talking about a year from March 2013.

Ms. Pamela Harting-Barrat made a motion to set up a committee designating the League of Women Voters to take the lead and to find the representatives. Ms. Janet Adachi seconded the motion.

In the following discussion, Mr. Dave Clough was supportive; Mr. Mike Gowing mentioned that some study is worthwhile but may result in guesswork; Ms. Janet Adachi would like more information, is in favor of talking advantage of available information but she has concerns about creating another committee. Mr. Mike Gowing noted that a Board of Selectmen-appointed Committee would have to abide the Open meeting Law requirements.

Mr. John Sonner asked if we can close the schools for the day. Then a single location would make sense. He suggests waiting until we know.

Ms. Pamela Harting-Barrat wanted to make sure that it is in the best interest of the town to have one location.

Ms. Harting-Barrat and Ms. Adachi withdrew their motion. Ms. Harting-Barratt moved that the LWV form and lead an organized study group Ms. Janet Adachi seconded the motion. UNANIMOUS VOTE IN FAVOR.

### CVS PROPONENT'S PRESENTATION

This item has been removed from the agenda at proponent's request.

FINAL

## **SELECTMEN'S BUSINESS**

### **SELECTMEN TO SIGN MEMORANDUM OF UNDERSTANDING ON THE TRAIN STATION**

This item has been withdrawn because the signed MOU was not received from the MBTA

### **PROCLAMATION OF DISCOVERY MUSEUMS DAY IN ACTON**

Ms. Pamela Harting-Barrat read the proclamation.

Ms. Janet Adachi moved to approve the proclamation. Mr. John Sonner seconded the motion.  
UNANIMOUS VOTE IN FAVOR.

### **PROCLAMATION OF NOVEMBER AS PANCREATIC CANCER AWARENESS MONTH**

Ms. Pamela Harting-Barrat read the proclamation.

Mr. Dave Clough moved to approve the proclamation. Mr. John Sonner seconded the motion.  
UNANIMOUS VOTE IN FAVOR.

## **SELECTMEN'S REPORTS**

Mr. John Sonner – Nothing to report.

Mr. David Clough –

The OPEB Group discussed new ideas for FY14 to make an impact. They also decided on what policies to look at to go forward, i.e. turnback, new person to add to loaded headcount. Mr. Jeff Clymer would love to help out. The next meeting will be held on Monday.

The Design Review Board is reviewing 6 PO projects. The FINCOM have prepared a draft financial point of view document and a long range plan.

Ms. Pamela Harting-Barrat -

She mentioned that the Joint meeting of the Acton Public and A/B Regional School Committees and their Negotiations Committee will hold an Executive Session on October 22, 2012 at the R.J. Grey Junior High School. Each Board will present a summary of their long-range regionalization plan and get to know each other. Two school members and two members from the Boxborough schools are also invited.

The Regional Study Committee has reached a consensus. It has no impact on the region, but changes have been made for the elementary school.

The Outreach Committee meeting on the 22<sup>nd</sup> and 23<sup>rd</sup> has agreed to sponsor a forum, date to be determined. There will be a special town meeting for this. A vote is needed on it the same night.

Ms. Janet Adachi – Nothing to report.

Mr. Mike Gowing –

HDC held a public forum on the WAVE project. 10 residents showed up and most voted in favor. The next meeting will be held on the 23<sup>rd</sup>. All suggestions are welcome and the Board members can come to the meeting as citizens. If a Board of Selectmen quorum will attend, they cannot talk to each other because of the OML.

FINAL

Ms. Janet Adachi added that in that case an agenda has to be posted.

## **CONSENT AGENDA**

**BAY CIRCUIT TRAIL EASEMENT AT ROBBINS BROOK**

**REVISED INTER-MUNICIPAL AGREEMENT EXTENSION, ASSABET RIVER RAIL TRAIL (ARRT)**

**REQUEST FROM THE ACTON WOMEN'S CLUB FOR A SIGN TO ADVERTISE THEIR BAKE SALE**

**COMMITTEE APPOINTMENT – WALTER FOSTER, MORRISON FARM REUSE COMMITTEE**

**COMMITTEE APPOINTMENT – ROBERT OLIVERI, BOARD OF HEALTH**

**COMMITTEE APPOINTMENT – MICHAEL SHAILER, 2020 IMPLEMENTATION COMMITTEE**

**COMMITTEE APPOINTMENT – JAMES WATT, 2020 IMPLEMENTATION COMMITTEE**

**WARRANT FOR STATE ELECTION – POLLING LOCATIONS FOR THE NOVEMBER ELECTION**

**ACCEPT GIFT, RECREATION DEPARTMENT - \$125.00**

**DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**

**QUARRY ROAD, EXECUTED DEED – GIFT OF LAND**

Ms. Pamela Harting-Barrat made a motion to approve the Consent Agenda.

Mr. Dave Clough moved to approve the agenda. Mr. John Sonner seconded the motion. UNANIMOUS VOTE IN FAVOR.

Ms. Pamela Harting-Barrat asked for a voice vote to adjourn the meeting.

The motion was made by Mr. Dave Clough, and seconded by Mr. John Sonner. The vote was announced UNANIMOUS.

The meeting adjourned at 9:00 p.m.

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Lili Early, Recording Secretary

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Michael Gowing, Clerk

\_\_\_\_\_  
Date

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING AGENDA**

10/29  
(141)

*Francis Faulkner Hearing Room*  
*September 10, 2012*  
*7:00 PM*

Present: Ms. Pam Harting-Barrat, Ms. Janet Adachi, Mr. Michael Gowing, Mr. John Sonner, Mr. David Clough, Town Manager Steve Ledoux and Lili Early, Recording Secretary.

Ms. Harting-Barratt called the meeting came to order at 7:00 p.m.

**CITIZENS' CONCERNS**

None

**PUBLIC HEARINGS AND APPOINTMENTS**

**CHAIRMAN'S UPDATE/OPERATIONAL MINUTE**

Ms. Harting-Barrat reported that two agenda items were withdrawn from this session, and would be presented at the next meeting on September 24<sup>th</sup> instead. These are the preliminary presentation, 6 Post Office Square, Friendly 40B Development and the Preliminary Presentation, 400 Mass Avenue, Proposed Site Plan, CVS.

Mr. Clough initiated a general discussion regarding the purpose and project parameters of the two deferred agenda items, and the expectations of the proposers and of the Board members, at the subsequent meeting.

Ms. Harting-Barrat reported that spraying has begun against the mosquito's to combat the EEE virus, over a two day period. She also expressed regret about a recent vandalism incident in the Arboretum.

Ms. Harting-Barrat invited Mr. Paul Murphy, a member of the School Committee, to explain to the Board of Selectmen an on-going program on alcoholism and addiction prevention, involving the schools and the United Way.

Ms. Harting-Barrat noted that there will be an informational meeting at the Town Hall, on September 27<sup>th</sup>, regarding the South Acton Railroad Station project, and Mr. Ledoux encouraged all interested citizens to attend. The MBTA and their general contractor will be present. The impacts on passengers during construction will be identified, and discussed. An MOU is being prepared, to provide for MBTA elevator maintenance access over town-owned land.

Mr. Ledoux advised that the Town's FY 2014 budgeting process is starting now and proposed that the FY14 budget will be submitted just before Christmas.

A town Space Needs Study is starting, with selection of an outside contractor among 9 bidders.

Mr. Ledoux reported that he is working with Town Manager's in the Minuteman Vocational Tech District, to find a mechanism to raise capital for school expansion, partially based on counts of tuitioned students.

Mr. Ledoux mentioned that an update for the T on South Acton Transportation will be held on Sept 27<sup>th</sup> at 7:30 in this room (204) for the residents of what is happening during the construction. Ms. Harting-Barrat said that they will rip-up the temporary ramp this week and it would be great to know what the actual schedule is. Mr. Sonner informed the Board that the actual construction will start in October. He will follow-up when they will start working now on the platform.

#### **PRELIMINARY PRESENTATION, 6 POST OFFICE SQ., FRIENDLY 40B DEVELOPMENT**

Has been postponed until the September 24, 2012 meeting.

#### **PRELIMINARY PRESENTATION, 400 MASS AVE, PROPOSED SITE PLAN, CVS**

Has been postponed until the September 24, 2012 meeting.

#### **CLASS II NON-DISPLAY CAR DEALER'S LICENSE, ROBERT N. OLIVERIO, 130 PARKER STREET**

Mr. Oliverio explained that this venture would be similar to an auction business.

Mr. Sonner moved to approve said license application and was seconded by Ms. Pamela Harting-Barrat. UNANIMOUS VOTE IN FAVOR.

#### **KEVIN BATT – UPDATE ON THE SOLAR PROJECT**

Mr. Batt, counsel with Anderson & Kreiger, has been closely involved with the Landfill Solar Project. He made a presentation on the project status to-date, with emphasis on the responsibilities of Ameresco, the prime contractor, and the status of various permits and certificates. Considerable attention was given to the “cap” over the landfill, maintaining its integrity, and the landfill gas monitoring by DEP. 12.2 acres of the landfill will be leased for this project. The Town will receive rent. Ameresco would be responsible for all maintenance, replacements and will also be responsible and penalized for shortfall of production. The Town will have the option to purchase the system at the end of the term at a lower value. Ameresco will sell the power to the Town. The amount of electricity generated will be delivered to NSTAR and will be credited against NSTAR bills at Town buildings.

Our eligibility for receipt of net metering credits is an open item, under the existing 2 % total cap in MA. This could pose a risk for the Town. Cap increase to 3% is under discussion at the state level. When moving forward, Mr. Gowing wants to check with the legislature on this subject. NSTAR doesn't like this net metering system, but they will comply with their obligations. They should provide the Town with the correct calculations soon.

Mr. Clough wanted to know what percentage of kWh we will produce. Mr. Charter responded that we would produce enough electricity to cover 17 buildings, and the streetlights. There will possibly be a small surplus for the schools. There will typically be 5% in savings. Mr. Batt added that the allocation will be on an annual basis. The Town will receive a rent payment from Ameresco, even during the construction period + \$65K of additional rent. This is a tax payment for the use of this property. He continued that the one risk is if the net metering credits would go away, it is after all a government program.

Ameresco will receive financing for this project by June 2013 and they would like to start construction by the end of September, so Mr. Ledoux feels that we should decide whether to proceed, subject to the net metering credits issue, quickly.

Mr. Gowing suggested continuing the discussion at the meeting on September 24<sup>th</sup>.

Mr. Dennis Loria, resident of Acton and a member of the Green Advisory Board, offered to have the GAB review the economic analysis.

Ms. Adachi moved to authorize the Town Manager to move forward with construction under the Ameresco contract, if he is reasonably assured that the Town will receive the benefit of net metering under the current or the proposed elevated net metering plans. This motion was seconded by Mr. Gowing. UNANIMOUS VOTE IN FAVOR.

## **SELECTMEN'S BUSINESS**

### **MIRACLE FIELD LICENSE AGREEMENT**

Mr. Ledoux introduced the subject of a four-part Motion and the included one-year renewable License Agreement pertaining to a plot of land being licensed by the Town to Miracle League of Massachusetts, Inc. for use as a playing field for special needs children. Opening Day will be Saturday, September 15, 2012.

Mr. Clough asked for a one year renewal term.

Mr. Gowing recited the complete text of the proposed Motion to be approved by the Board and made a motion to approve. The motion was seconded by Ms. Adachi. UNANIMOUS VOTE IN FAVOR.

### **SOLARIZE ACTON COMMUNITY TEAM – REQUEST FOR SIGNS ON THE COMMON, PARKING LOT LIGHT POLES AT THE TOWN HALL PARKING LOT AND THE SOUTH ACTON TRAIN STATION**

Mr. Jim Snyder-Grant presented the current status of the Solarize Acton project, a joint program with MassCeC, in which the sign-up phase ends on September 30th. Acton, being one of 17 participating Massachusetts towns, has had 350 requests to assess home-owner's suitability and 70 proposals have been made. He explained that the cost will diminish as more residents are participating. This project is separate from the responsibility of any of our existing committees or similar organizations.

He indicated that it is now too late to request banner placement and he was asked to contact Scott Mutch of our Planning Department, about other placements, like "a large thermometer". Ms. Harting-Barrat thanked these volunteers for their strenuous efforts.

Mr. Gregg Voss, an Acton resident, spoke about solar gardens as another option.

Ms. Harting-Barrat moved to empower the town manager to handle this matter of placement of these temporary signs. The motion was seconded by Mr. Sonner. UNANIMOUS VOTE IN FAVOR.

### **GREEN ADVISORY BOARD, REQUEST FOR TERMINATION OF ASSOCIATE MEMBER, NOT ATTENDING GAB MEETINGS**

After discussion about minimum attendance requirements, Mr. Gowing moved to approve the removal of Manisha Tyagi as a member of the Green Advisory Board for failure to meet the minimum required attendance. The motion was seconded by Mr. Sonner. UNANIMOUS VOTE IN FAVOR.



## **REGULATORY AGREEMENT FOR AFFORDABLE UNITS, AT THE MEADOWS AT ACTON, LOCATED AT 263 GREAT ROAD**

Ms. Adachi made a motion to approve the execution of said agreement. Mr. Gowing seconded the motion. UNANIMOUS VOTE IN FAVOR.

## **REGULATORY AGREEMENT FOR AFFORDABLE UNITS AT THE RESIDENCES AT QUAIL RIDGE**

A motion made by Ms. Adachi to execute the agreement, and seconded by Mr. Gowing, was rescinded. Mr. Ledoux was asked to provide clarification about the number of affordable units.

Mr. Gowing moved to table the regulatory agreement for Quail Ridge until the next meeting of the Board on September 24<sup>th</sup>. The motion was seconded by Ms. Adachi. UNANIMOUS VOTE IN FAVOR.

## **UPDATE ON ALG**

Ms. Harting-Barrat wondered how to update the ALG members. No votes were taken at the last meeting. The future meeting schedule was handed out at the last meeting. The prepared meeting schedule in the packet sets the deadlines for the ALG and the Board needs to meet those deadlines. A long-term spreadsheet needs to be prepared covering 3-5 yrs.

Mr. Clough suggested that FinCom can help out.

## **SELECTMEN'S REPORTS**

Mr. John Sonner –

2020 had their first meeting of the third phase, and they are reviewing applications to increase the membership. They have more than 240 action items.

The Memorial Library will have a community workshop on Saturday, September 17<sup>th</sup>.

He went to his first meeting with the Water District.

Mr. Sonner reported that he had a "ride-along" in a police car, and it was very enlightening to observe the fast-paced police operation. They must improvise all the time.

Mr. David Clough –

Reported that the CPC has not met since the last Board meeting.

The Design Review Board meeting about the Post Office project was cancelled due to the holiday.

The HDC is involved in the Asa Parlin house activity. HDC and EDC are jointly looking at sign bylaws, to coordinate rules.

The FinCom is looking at long-range forecasts.

The Open Space Committee is looking at a very interesting piece of land to acquire.

Ms. Harting-Barrat –

Noted that there are some sticking points about weighted votes in the regional school district. Mr. Peter Ashton will be updating the Board soon.

A town-wide forum would be very appropriate in addressing issues of suspension, drugs, alcohol, etc.

The Board of Health is spraying against EEE, as earlier reported.

The Nursing Service will come to the next Board Meeting, on September 24<sup>th</sup>. They are doing very well.

The Planning Board meeting was canceled.

Ms. Adachi -

Reported that ACHC had a presentation by Ms. Beth Rust, of the new Regional Housing Service. She is assembling baseline documentation on all affordable units in town, and will be working with the Town Planner.

Ms. Adachi discussed the DRB, and its relationship to other Town Boards.

Ms. Adachi will attend a two-day meeting in Cambridge on accessibility standards this week.

Mr. Gowing -

Reported that the COA met to review their options for expansion, since the town meeting refused the request for a new COA facility. They will consider requesting funds for a design study of some alternatives. They are creating a new position for liaison with the COD and Acton 2020.

The Cemetery is considering a land swap with Morrison Farm to exchange 1.8 acres, for 2 acres adjacent to the cemetery. The new Morrison Farm Committee met; they are making a proposal to effect this exchange. This newly expanded Board wishes to meet with the Board of Selectmen at our next meeting on September 24<sup>th</sup>, and make sure they are on track with our Morrison Farm intentions.

Mr. Gowing attended the regionalization toolkit conference, chaired by the Lt. Governor a few days ago.

#### **CONSENT AGENDA**

Mrs. Harting-Barrat read the list of items 13 through 21 on the Agenda.

Items 13, 16, 18 and 21 were put on hold pending further discussion.

Mr. Sonner suggested amending the text in Item 13 to keep the existing policy in place.

Mr. Gowing moved to amend Item 13 as indicated. Mr. Sonner seconded the motion. UNANIMOUS VOTE IN FAVOR.

Mr. Gowing moved to postpone action on Item 16 until the Board of Selectmen's meeting on September 24<sup>th</sup>. Mr. Clough seconded the motion. UNANIMOUS VOTE IN FAVOR.

Mr. Calandrella, Acton resident, noted an error in Item 18. The words: "in lieu of" should be changed to "for the".

Mr. Clough moved to change the wording of Item 18 as suggested by Mr. Calandrella. Mr. Gowing seconded the motion. UNANIMOUS VOTE IN FAVOR.

#### **ACCEPT MINUTES, JUNE 18 AND AUGUST 20, 2012, BOARD OF SELECTMEN, REGULAR AND EXECUTIVE SESSIONS**

#### **UNITED NATIONS DAY PROCLAMATION 2012**

#### **COMMITTEE APPOINTMENT, ANN CHANG, MORRISON FARM COMMITTEE**

#### **COMMITTEE APPOINTMENT, DIANA BRANCH, VOLUNTEER COORDINATING COMMITTEE**

#### **ACCEPT GIFT, SELECTMEN**

#### **ACCEPT GIFT, PLANNING DEPARTMENT**

#### **ACCEPT GIFT, RECREATION DEPARTMENT**

#### **DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY**

#### **MEMORIAL LIBRARY LONG RANGE PLAN – REQUEST FOR APPROVAL TO SEND OUT THE COMMUNITY SURVEY IN THE NEXT MUNICIPAL QUARTERLY**

Ms. Pamela Harting-Barrat asked for a voice vote to approve the Consent Calendar.

The motion was made by Mr. Gowing and seconded by Mr. Sonner. The vote was announced UNANIMOUS.

## EXECUTIVE SESSION

Members Present: Pam Harting-Barrat, Ms., Ms. Janet Adachi, Mr. Michael Gowing, Mr. David Clough, Mr. John Sonner, Town Manager Steve Ledoux and Lili Early, Recording Secretary.

Ms. Pamela Harting-Barrat moved to go into Executive Session. Ms. Janet Adachi seconded. Roll Call Taken by the Clerk, all Ayes

Ms. Harting-Barrat stated before the roll call vote to enter Executive Session that:

- a. In the executive session, the Selectmen will discuss Strategy with regard to the purchase, exchange, lease or value of Real Property
- a. An open meeting may have a detrimental effect on the negotiation position of the Town or the Board.

Chair: Would the clerk please call the Role - All ayes

Chair: At the conclusion of the Executive Session, the Board will reconvene in open session to adjourn

Ms. Pamela Harting-Barrat asked for a voice vote to adjourn the meeting.

The motion was made by Mr. Dave Clough, and seconded by Mr. Mike Gowing. The vote was announced UNANIMOUS.

The meeting adjourned at 10:30 p.m.

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Lili Early, Recording Secretary

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Michael Gowing, Clerk

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Date

10/29 (14)

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**  
**March 12, 2012**

**Executive Session 6:30 - 7:00 P.M. To Discuss Union Negotiations**

**Acton Town Hall**  
**Francis Faulkner Hearing Room**  
**7:00 P.M.**

Present: Mr. Gowing, Ms. Harting-Barrat, Ms. Adachi, Mr. Clough, Mr. Sonner and Town Manager Steven Ledoux, Recording Secretary Christine Joyce. The public portion of the meeting was televised.

Mr. Clough - Move to go into Executive Session to discuss union negotiations. Ms. Adachi – Second. Clerk roll call: Ayes, 5, Nays, 0. UNANIMOUS VOTE.

**CITIZENS' CONCERNS**

Paulina Knibbe had a proposal for a possible Windsor Building use, now that the project is off the list of proposals for Community Preservation Act funding: storage of sets and costumes for the Open Door Theatre. She is a member of the Board of Open Door. This year's production will be "Fiddler," opening 3/23 at the Dragonfly Theatre. The productions are inclusive, with casts often numbering 100+, and including children with disabilities. Until a few years ago, the organization used a Hartz warehouse to store sets and costumes; Open Door currently is renting space on the 2nd floor of a building in Littleton and has no access to the loading dock. The organization would like to use the Windsor Building for storage, dividing the 1<sup>st</sup> floor and leaving other half for use by the Farmers' Market and Citizens Library

Mr. Gowing noted that Windsor has no loading dock. Ms. Knibbe said it is ground-floor so the lack of a dock is not an issue. Ms. Harting-Barrat asked whether Open Door had property insurance: no. Mr. Gowing said if Open Door's property catches fire and burns down Town property, it's the Town's problem. Ms. Knibbe will check. Mr. Clough asked when Open Door needs the storage space: two months before the sets go up, which this year is April, next year will be January and usually is in the spring. Mr. Sonner said the Town needed to make sure that other groups have an opportunity to use the building. Mr. Ledoux said the Town probably will have to do a request for proposals.

**CHAIRMAN'S UPDATE & OPERATIONAL MINUTE**

Mr. Gowing reported that there was a good Acton showing at the Fitchburg hearing on the proposed MBTA rate increases and service cuts. Legislators opposed raising the gas tax. Three Board members attended. Several Board members did Meals on Wheels last week. The All-Boards/Committees Chairmen meeting was at the ActonTV studio last week. The Town held the first ever STAR award ceremony, recognizing employees with 30+ years of service; their collective service amounts to 500+ years.

Final

Mr. Ledoux reported on the recent settlement with Dispatch for FY12 and FY13-15. 7% over 4 years, 2 articles on the Town Meeting warrant. All unions have signed the Memorandum of Understanding with respect to the health insurance plan design changes, and the Selectmen and School Committees have signed, as well.

## **PUBLIC HEARINGS & APPOINTMENTS**

### **CLASS 1 CAR DEALERS LICENSE, ACTON LINCOLN MERCURY, INC. D/B/A ACTION CHRYSLER DODGE JEEP AND RAM, 196 GREAT ROAD**

No representative is present. The business is becoming a Chrysler dealership and is just requesting a name change, with no other changes. Ms. Harting-Barrat – Move to approve, Mr. Sonner- Second. All Ayes, UNANIMOUS VOTE.

### **SITE PLAN #7/6/11-433, 40 SUDBURY ROAD (CONTINUED)**

Ms. Harting-Barrat - Move to continue the appointment to 4/25/2012, 7:25 p.m. Ms. Adachi - Second. All Ayes, UNANIMOUS VOTE.

## **SENIOR CENTER BUILDING COMMITTEE REPORT**

Paulina Knibbe presented slides on the results of the Committee's evaluation of the proposed new senior center, and alternatives. The committee's data includes information from two public forums, the work of the Acton 2020 Committee, and other sources. There are there three options:

- Option A: the current senior center project, with space available for general community use when seniors were not using it (Slide 3). The location at NARA could address perennial issues at NARA, providing additional parking for sports activities, bathrooms accessible from the outside of the building even when the center itself was closed, and food. Cost: 140K design money w/ plan for 7.7M bonding (override subject to Town Meeting approval). Annual operating budget: 284K/year, including 130K for custodial services.
- Option B: build new senior center with plan to add community facilities later (Slide 5). Greater cost, additional 3M on top of 7.7M.
- Option C: major difference would be inclusion of swimming pools. One issue is that space at NARA would be insufficient so would need different location. 2 pools, 1 fixed-lane, 1 smaller for therapeutic uses and small kids. Rough cost of pool, based on updated cost of Danny's Place would be minimum 6.3M on low end, 12M on high end based on Beede Center, Concord.

Ms. Harting-Barrat said the pool option would require another site.

Ms. Adachi said it would be nice to have a structure at NARA to allow year-round use, but the pool proposal would be out of reach.

Final

Mr. Sonner noted that the current square footage was 5,000, and would increase to 16,880, agreed that the pool was unrealistic, as was the fitness center proposal, given the availability of other options for residents.

Mr. Clough ask why the recommendation of Option B? Ms. Knibbe said the senior center needed more space, but it would be short-sighted to not anticipate the possibility of expansion.

Sharon Mercurio said the current senior center could serve as a community center temporarily while the new center was being built.

Mr. Clough asked about the term for bonding. Mr. Ledoux said 20 years. Ms. Knibbe said it would be a much lower than for school and other capital projects.

Mr. Gowing said the total footage of the senior center and gym would not be 25,000 ft2, and that there would be efficiencies. The standard gym is 9,000 ft2.

Dean Charter, voted for Option B. The seniors have been waiting for a while, and the project will take 10 years to do. He initially advocated Option A but was persuaded that Option B was better, and the vote was 7-1 for Option B. The cost estimates are based on a 2009 plan for a 16,000 ft2 building. As the design timeline moves out, costs get very conjectural. It is important to get the Option A part built and then let the plan percolate for the proposed build out.

Dick Calandrella asked whether, given the available industrial space, the committee had explored existing space. Ms. Knibbe said the committee had in the original study, and the cost of renovating a particular building would be similar to the cost of building new. Costs might be lower now, but the committee's charge was to take the new-construction proposal forward so it did. Mr. Gowing added that many building owners were not interested in having the senior center move in. Mr. Calandrella suggested that the committee look into the option now, given the change in the economy. Ms. Mercurio said the cost would be similar with renovation, plus the Town would not own the building. Mr. Calandrella noted that ActonTV had just built in an existing space for 700K. Mr. Gowing said that if ActonTV moves, it leaves behind the 700K.

Ms. Harting-Barrat - Move to accept the recommended Option B, Mr. Clough - Second. Mr. Sonner expressed concern that moving forward with funding for the 140K design would commit the Town to doing a 7M override. Mr. Gowing noted that that would be an issue for Town Meeting, not the Selectmen; Town Meeting could vote it down. Mr. Clough asked whether, if Town Meeting approved the proposal, the committee would come back to the Selectmen to be sure of what to design, given possibility of leasing space elsewhere. Ms. Knibbe said the Selectmen would have to approve any spending. All Ayes, UNANIMOUS VOTE.

## **PRESENTATION, LOWER FIELDS PROJECT AT ABRHS**

Bill Mullen and Dave Wilson, Vice Chairman and Chairman of Friends of Lower Fields, presented a slideshow on the project.

The project would be income-generating. 127 parking spots to accommodate users of the skate park and the fields. Fields will be lined for soccer, field hockey, football. Current use 460 hours, boys and girls sports and community education. With new fields, there will be a broader spectrum of users. 5,096 hours, with up to 1800 hours of unrented space. Year-round use.

Final

It has been a 3M project since 8/2011: 225K raised by FOLF; ABYS loan of 1M (7-10 years @ 5%); waiting on a second loan; AB Regional startup fund of 275K; AB Regional bond of 1.5M (15 years).

Revenue sources – anticipated 350K from leases, 3 tiers of tenants. Day and night use (with lights). Youth programs pay 15/registrant = 54,000/year.

Increased costs: 52,000 for new fields; increase 27,000 net to schools.

Loan/bond costs will decline after loan paid off and just bond costs remain.

Will try to offset school bond costs. Community Ed will contribute 25,000/year. Once FOLF has 100K in reserves, it will donate 25,000/year toward bond costs. So annual costs will be 99,000 range—0.25% of operating

Cash flow – years 1-7, negative 74K-99K/year for schools. Years 8-15, positive 90K-140K; 15+ yrs drops off to 0.

Why project makes sense: quality space; leverage volunteer capital. Revenues from outside groups, other users to offset loan cost; once paid off, benefit to schools; smart-growth—centrally located.

Funding – commitment from bank, School Committee will be voting 3/22, leases, anchors to be done in the next weeks, and need 2/3 vote of Town Meeting. If approved, work could start late May, early June. Could be done in 2 months.

Ms. Adachi asked when the 1800 hrs unleashed, what times? Students all day during week, evenings, all day Saturday. 96 hrs community time per week.

Ms. Harting-Barrat asked about a traffic study, protection from sun, possible competitors. Mr. Wilson said there had been some study of traffic issues; trees would provide shading, as would tents; and possible competition might be from Westford, which just complete a new high school field, and two other fields that might come on line. The advantage of Acton is that it is centrally located for some of the leasing teams. It is not clear that Westford will rent out at all. Only Medford, Holliston have pursued this model. Wellesley only rents to Wellesley. FOLF knows its prices are competitive. Ms. Harting-Barrat asked how the new fields might affect NARA rental potential? Mr. Wilson said ABYS spends 35K to maintain the fields, which are wrecked by rugby teams. Teams are more likely to want to use the new fields. Mr. Mullin said the committee believes that the additional parking will help w/traffic, which currently involves the use of the K-Mart parking lot.

Mr. Sonner asked about the age of Leary Field; Mr. Wilson said Leary opened 8/5/2005. Mr. Wilson also confirmed that the proposed anchor tenant lease term was 5 years. Mr. Clough asked about the anticipated turf life. Mr. Wilson confirmed that it was about 15 years noting that Boston University replaced Nickerson Field after 15 years. Field turf still is the top product, but proponents will look at other products. 168K ft<sup>2</sup>, 9.50/ft<sup>2</sup> construction, but replacement cost is only 4-4.50 because just replacing carpet. The schools will cover the replacement cost. Mr. Gowing noted that the fields would be in continuous use, and asked about a maintenance fund. Mr. Wilson said a memorandum of understanding between ABYS and the School District would cover maintenance. Once the loan has been paid off, Community Education will take over.

## **SELECTMEN'S BUSINESS**

### **CONFIDENTIAL REQUEST FOR FUNDS FROM THE VARNUM TUTTLE TRUST FUNDS**

Mr. Clough – Move to approve, Mr. Sonner – Second. All Ayes, UNANIMOUS VOTE.

### **CONTINUATION OF TOWN MEETING ARTICLE POSITIONS**

#### **Part 1:**

Mr. Ledoux introduced a presentation by Town department directors on permitting issues and the related capital warrant article. The Finance Committee heard a similar presentation two weeks ago. Among the Board's top priorities from its annual goal-setting in the past three years have been electronic and operational improvements, digitizing Town records and improving the permitting process. Mr. Ledoux has been working to create a one-stop permitting location, with cross-trained staff for better service to customers. Presenters will include Frank Ramsbottom, Doug Halley, Roland Bartl, Corey York, Tom Tidman, Marianne Fleckner and MaryJane Kenney, Mark Hald, Dean Charter.

Mr. Ramsbottom, Building Commissioner, reviewed the history of the proposal to renovate Town Hall. Town staff looked at four alternative buildings.

Mr. York, Town Engineer, reviewed the potential solutions: digitize paper records, centralize filing, reclaim usable floor space, have everything available online; unify land-use departments in a single space with a conference room that would be accessible at night; cross-training staff. There were opportunities to provide excellent customer service; reclaim space, eliminate duplication of records; improve automation—GIS, permit-tracking software; removed the "stovepipe" approach to operation.

Mr. Bartl, Planning Director, provided an overview of Town Hall organization. The 1950s saw the first oversight of building in the Town, with issuance of building permits; the population then was 3,500. Forty years later, with the population 5-6 times larger, the paperwork was overwhelming. Microfilming started. In the past decade, the Town has instituted other technical improvements, and there has been continued improvement in information flow. At the core of the reorganization would be the filing system, centralized, with minimal duplication.

Mr. Tidman, Natural Resources Director, envisions one counter to serve the public. At present, people seeking information go all over to get help. The new arrangement will provide one place, along with new meeting space near the new counter. A separate public entrance would provide access to the meeting room at night, and the Town offices could be closed off.

Mr. Bartl review the proposed phases for development and implementation. For digitizing, moving into swing space, renovations and equipping the new space, the total budget would be \$602,199 (the 1<sup>st</sup> \$200K for digitizing coming out of operating, and \$400K to be bonded). The result would be a positive customer service experience—simplified, with cross-trained employees, electronic self-service. The Town population currently is 22,000, with about 8,000 dwellings; the population is expected to grow to 25,000 and the dwellings to 9,500. As the Town approaches build-out, staff members expect to deal with citizens more and developers less.



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Mr. Ledoux noted some previously proposals for bonding were not eligible so the numbers changed in the warrant article, Article 14.

In response to queries from Mr. Sonner, Mr. Bartl said that he believed the anticipated increased staff efficiency would enable the Town to do more with the same staff; the last renovation of Town Hall was in 1980; the one-stop shopping process would start with the move into the temporary swing space; square footage would be about the same or slightly greater; and aside from cost, there was no downside to the proposal, which had been supported since the 1990s.

In response to queries from Mr. Clough, Mr. Bartl said his understanding is that scanning will be easier under the new system, and scanned documents will be searchable; and Mr. Ledoux said that Information Technology Director Mark Hald still was investigating permitting software.

Ms. Harting-Barrat asked whether it was necessary to have all staff members in the same building. Mr. Bartl said from a staff perspective, it was easier to have everyone in the same place.

Mr. Gowing asked when retaining electronic documents is acceptable in lieu of retaining paper records. Mr. Ledoux said the Town must retain payroll records forever. Mr. Bartl said microfilm is a recognized alternative to paper.

## **Part 2:**

Mr. Ledoux reviewed adjustments to the FY13 budget since the Selectmen voted in January, and explained the impact of warrant article adjustments. The patrol union arbitration decision has been postponed further. The Town learned that it cannot do the proposed \$45,000 energy enterprise fund so there will be an additional \$40,000 to the Green Advisory Board instead. The budget will involve the use of 1.7M in free cash.

Nursing Enterprise Fund - one of the articles is for a budget transfer out of FY12, including for the Nursing Fund, whose funding probably will be at \$100K.

Spreadsheet –

Article 2 re nursing van enterprise fund – 50K subsidy, 45, 586 fees - OK

3 – septage fund –from receipts, OK

4 – sewer enterprise – from receipts – OK; 271K from receipts, balance subsidy – OK

5 – ambulance – includes cost of fire - OK

6 – transfer station – from receipts

7 – self-funding programs (revolving funds)

9 –

10 – budget transfer to Nursing budget for FY12 – 100K –Mr. Ledoux said the specific number will be added at Town Meeting.

11 – Nursing Enterprise budget – \$714,076 budget, with \$200K coming from general funds, balance from enterprise fund. Ms. Harting-Barrat – Move to recommend, Mr. Gowing – Second. Mr. Clough said that if the private sector can do something, the Town should not; the Town provides police, fire and the like. If there are better-positioned alternatives to the Nursing Service, the Town should consider them. Relying on volunteers to provide services that the Town eventually will have to pay for is not sustainable. The Nursing Service needs to be entrepreneurial, with the public health nurse referring people to appropriate services. There is

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no evidence that there will be cost-cutting, though the consultant's report says the Service has to do that. The Service is not sustainable.

Ms. Harting-Barrat said the Nursing Service has not looked yet at partnering with others. The Nursing Service is using a marketing expert who believes that the Service can turn itself around. The Advocare consultant came up with one report, but maybe others would have come up with other conclusions.

Mr. Sonner does not think the Service will survive in the long term but is willing to provide funding for another year to see if it can turn around. He is concerned about not being able to see the numbers and do a business-type analysis. Emerson has an advantage and always will cherry-pick the best patients, and leave the money-losing patients for the Town. If the Service increases marketing but is losing money on each visit, it will continue to lose money. He is not willing to put \$200,000 into next year.

Ms. Adachi was concerned that the Nursing Service was not sustainable. There are other services of equal quality. She would like to have the consultant's study completed. She considers the Service to be on probation and in the coming year, the Service needs to be not simply trying to turn around but preparing for the possibility of shutting down, with sufficient time allowed to transition out.

Mr. Gowing had seen improvement in the past year and was not prepared to say the Service should be shut down. Ms. Harting-Barrat described the efforts already underway, with the new marketing consultant and outreach to competing services. Mr. Gowing noted the goodwill value of the Nursing Service for acquisition purposes.

During the Board discussion, a number of members were reluctant to recommend funding out of concern that nothing would change in the coming year. Mr. Clough expressed concern about what the volunteer marketing plan would consist of and noted that the Nursing Fund had had a large number in it for a long time that suddenly went to zero. He thinks it was helpful that he pushed to get numbers, and is glad that someone finally is taking a close look at the issue. If the Board must make a recommendation, he would like to revisit in 6 months, and the recommendation should be a number not to exceed a specified amount. Mr. Ledoux noted that the Fund cannot run a deficit, so if revenues are low, the Town has to make mid-year adjustments, reduce costs, etc. Board members expressed concern about making a budget recommendation without a caveat, and agreed on the need for status updates during year. Mr. Gowing said the place for the caveat would be during the article presentation at Town Meeting. Ms. Harting-Barrat said the Nursing Service was well aware of the issues.

Mr. Sonner suggested that the Board could take another look in September and if necessary discuss a possible exit strategy at that point.

Mr. Calandrella asked if the Board could make a recommendation with conditions. Mr. Gowing said the Board must recommend, not recommend or defer. Vote 4-1 to recommend (Mr. Clough, Nay). Mr. Sonner – Move to recommend that the Board re-visit in September, Ms. Harting-Barrat – Second. Vote 5-0, UNANIMOUS VOTE.

Art. 12 –OK

Art. 13 – Senior Center – Vote 4-1 (Mr. Sonner, Nay). If there were a building lease opportunity, the Town could rescind, and not use the approved funding.

Art. 14 – capital equipment, vehicles, infrastructure – bonding. If there were a building lease opportunity, the Town could seek bond counsel advice about using the approved bonding in

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different situation. Mr. Sonner does not think the proposed standby generator at the senior center or the portable intersection traffic control system is a good use of money. Mr. Ledoux said the power outage at the Route 27 intersection was a disaster; and the current senior center needs a generator while the new one is being developed. Mr. Clough expressed similar concerns about the senior center generator but acknowledged that in the last storm, the number of generators was insufficient and the Town needed more.

Art 18, 19 – OK

Art. 22 – Petition re OPEB. Deferred

Art. 25 – Public Schools Budget - 26,562,103. OK

Art. 26 – Acton assessment for AB - 25,193, 314. OK

Art. 27 – Lower Fields. OK.

Art. 28 – Minuteman assessment. OK.

Art. 29 – Minuteman – amend FY12 adjustment.

Art. 30 – Minuteman stabilization fund – deferred

Art. 31 – Regionalization K-6 – deferred

Art. 32 – CPA – OK, except deferred 468 Main.

Art. 33 – Home Rule Petition re Deputy Police Chief

Etc.

## **REVIEW LETTER ON PROPOSED TRANSPORTATION OF ETHANOL ALCOHOL BY RAIL THROUGH ACTON**

Mr. Gowing – Moved that Mr. Gowing contact Global Oil in Revere and the Town's state representatives to advise that the Board cannot support the proposal, and needs more information, Mr. Sonner – Second. All Ayes, UNANIMOUS VOTE.

## **SELECTMEN'S REPORTS**

Mr. Sonner reported on Green Advisory Board's thermal imaging project: that almost 400 people have signed up for residential thermal imaging; the stretch goal is 800 people. The Acton 2020 review was successful. SATSAC members will attend MBTA hearings in Fitchburg; the Recreation Commission has installed a shade at NARA beach.

Mr. Clough noted that three Selectmen were at the Finance Committee's recent meeting about budget items; the OPEB allocation for the regional school needs adjustment. Mr. Ledoux said the allocation had been adjusted. The Design Review Board is changing officers and will have co-chairs; the DRB has taken back earlier comments on the 40 Sudbury Road project due to recent changes in that project. Mr. Calandrella confirmed that the Economic Development Committee has been involved in the warrant articles amending the sign bylaw.

Ms. Harting-Barrat reported that the schools were working on the budget. The Massachusetts Municipal Association policy committee meeting covered the issue of veterans funding (municipalities with populations of at least 12,000 require veterans officers); and issues involving unemployment abuse. The Planning Board article on drive-thrus has been withdrawn.

Ms. Adachi reported that the Commission on Disability approved the proposed bylaw amendment to reduce the number of members consistent with the earlier charter amendment; Tom Hopkins, Director of the state Architectural Access Board did a well-attended presentation at the library on accessibility issues. The Community Preservation Committee voted to recommend 500K for Open Space, which was the last of the recommendations for the warrant

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article. She attended the first-ever tribute to long-time employees, including the Board's recording secretary, Christine Joyce. She attended a Court of Honor ceremony for three Eagle Scouts, including the Board's own Colin McKinley who oversees the recording of Board meetings. And the full Board survived the League of Women Voters Civics Bee on 3/11.

Mr. Gowing reported on the Council on Aging meeting. He attended the recent MAGIC (Minuteman Advisory Group on Interlocal Coordination) meeting: there is a 40B proposal in Littleton; Maynard has purchased the Country Club and is seeking looking for someone to run it; the MBTA is looking a possible service cuts; there is a comprehensive agricultural planning proposal; the T advisory board is looking at a proposed T increase that would involve charging sports teams, colleges extra; there is a proposal to offload the water shuttle to Massport, etc.; there is universal concern that T service changes will have the greatest impact on those who can least withstand it.

### **CONSENT AGENDA**

Item 13 – Taxi Cab License, Freedom Cab: Held by Ms. Harting-Barrat who asked if a cab operator had to comply with CORI in order to get license: No. Mr. Gowing - Move to approve all items, Mr. Sonner - Second. All Ayes, UNANIMOUS VOTE.

Move to adjourn at 11:10 p.m.

\_\_\_\_\_  
Christine Joyce, Recording Secretary

\_\_\_\_\_  
Janet K. Adachi, Clerk

Date: \_\_\_\_\_